

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN)

**[PROPOSED] ORDER ON ASHTON PLAINTIFFS’ MOTION  
TO ADD ADDITIONAL PLAINTIFFS AGAINST THE TALIBAN**

Plaintiffs in *Ashton, et al. v. Al Qaeda Islamic Army, et al.*, No. 02-cv-6977 (GBD)(SN) (the *Ashton* Plaintiffs), move to amend their Sixth Amended Complaint under Federal Rule of Civil Procedure 15.<sup>1</sup> They also request additional considerations to facilitate this amendment.

Federal Rule of Civil Procedure 15(a)(2) permits a party to amend its complaint with the court’s leave. Courts are directed to “freely give leave when justice so requires.” *Id.* This decision is committed to the discretion of the court, *McCarthy v. Dun & Bradstreet Corp.*, 482 F.3d 184, 200 (2d Cir. 2007), but granting “leave to amend is the ‘usual practice,’” *Bank v. Gohealth, LLC*, No. 21-cv-1287, 2022 WL 1132503, at \*1 (2d Cir. Apr. 18, 2022) (quoting *Hayden v. Cnty. Of Nassau*, 180 F.3d 42, 53 (2d Cir. 1999)). *See Foman v. Davis*, 371 U.S. 178, 182 (1962) (finding that leave to amend should be granted “[i]n the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendment previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment....”). The *Ashton* Plaintiffs’ claims are not futile, will not unduly delay these proceedings or prejudice the Taliban, and were not filed in bad faith or with a dilatory motive.

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<sup>1</sup> Unless otherwise noted, all ECF numbers refer to the main MDL docket, No. 03-md-01570.

The *Ashton* Plaintiffs' motion is GRANTED, and it is further ORDERED that:

- The underlying *Ashton* Sixth Amended Complaint, No. 02-cv-6977, is amended to include the parties identified in the *Ashton* Plaintiffs' Exhibit A;
- This amendment supplements, but does not displace, the underlying operative *Ashton* Sixth Amended Complaint, No. 02-cv-6977;
- Prior rulings, orders and judgments entered in this case remain in effect as to all parties; and
- Further service on the Taliban is not required as a result of this amendment, and prior service orders apply, including the Court's order on service by publication at ECF 445.

Furthermore, the Court respectfully directs the Clerk of the Court to terminate the motion at ECF 8821 in 03-MDL-1570 (GBD)(SN) and the related motion at ECF 1895 in *Ashton* 02-cv-6977.

**SO ORDERED.**

Dated: \_\_\_\_\_, 2023  
New York, New York

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SARAH NETBURN  
United States Magistrate Judge